

REPORT

*Of the Committee on the Post Office and Post Roads on the petition of
John Hecks.*

JANUARY 13, 1824.

Read, and ordered to lie on the table.

The Committee on the Post Office and Post Roads, to whom was referred the petition of John Heck, have had the same under consideration, and

REPORT:

The petitioner represents that himself and another, about the year 1801, became the securities of Nicholas Krail, as postmaster, at Shippenburg, Pennsylvania. That Krail gave up the office about twenty years since, and that the petitioner was not called upon for at least 13 or 14 years after Krail gave up the office. That Krail had a house, and lot, and land, which he sold about two years after he went out of office for £500. That his co-security is insolvent. That suit has been brought, judgment obtained, execution issued and levied on his property. He prays to be exonerated from the judgment and execution, and adds, "and, at all events, he cannot think how interest should be charged against him," and prays the interference of Congress in his behalf.

It appears by two affidavits filed that Krail did sell some land, a house, and lot, for £500, about two years after he went out of office; and, from a statement furnished by the Postmaster General, it appears that Krail was appointed postmaster 10th March, 1800, and continued in office till 18th April, 1803. That, on the 12th September, 1815, the bond and account were put in suit for \$479 11, and that the district attorney reported to the department that neither principal nor surety were found; that, in 1822, the attorney gave notice to the department that the surety was found, and suit depending.

It may be remarked, that the petitioner specifies no particular reason why, or ground upon which, he expects relief, but from all the circumstances, which are three, the indulgence of 13 or 14 years before demand, that his principal had property and sold it two years after he went out of office, and the insolvency of his co-security. The two latter can form no ground of relief; and, as to the former, it is ad-

mitted that an indulgence of 13 or 14 years before demand, is neither contemplated by law, nor is consistent with the duties of the officer of that department, and may, ultimately, prove injurious to the petitioner. But, he knew he had executed an obligation for Krail's performance of his duty. He knew Krail had gone out of office; and, if he had not relied on Krail to satisfy the obligation, he might have inquired of the department, and had the matter adjusted. He was as careless in trusting so long to Krail's performance, as the officer of the department was in trusting to both. The department and the petitioner were each subject to loss by the delay, and either could have prevented it. Neither used any effort to do so until 1815, when suit was ordered on the part of the government. The officer reported that neither principal nor securities were found, and then the government appeared to be the loser by the delay of its officer. The security, however, is since found, and pressed for payment of a demand, the correctness of which is not contested; and the question is, shall he be exonerated from the demand, because an indulgence has taken place, to which he never objected until he was sued? The Committee think not; and, therefore, submit the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.